

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOURDES NIEVES,

Plaintiff,

-against-

CAROLYN W. COLVIN, *Acting*
Commissioner, Social Security
Administration,

Defendant.

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: ORDER
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WILLIAM H. PAULEY III, District Judge:

Plaintiff Lourdes Nieves moves pursuant to 42 U.S.C. § 406(b) seeking approval of the February 26, 2013 contingent fee agreement between Nieves and her attorney, Christopher James Bowes. On December 6, 2017, this Court referred the matter to Magistrate Judge Gabriel W. Gorenstein for a Report and Recommendation. On December 26, 2017, Magistrate Judge Gorenstein issued his Report and Recommendation, recommending that this Court grant Nieves' unopposed motion. No objections to the Report and Recommendation have been filed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). In reviewing a Report and Recommendation that has not been objected to, a court "need only satisfy itself that there is no clear error on the face of the record." Simms v. Graham, 2011 WL 6072400, at *1 (S.D.N.Y. Dec. 6, 2011).

This Court has reviewed Magistrate Judge Gorenstein's thorough and well-reasoned Report and Recommendation, and finds that it is not erroneous on its face. See 28 U.S.C. § 636(b)(1)(C). Accordingly, this Court adopts the Report and Recommendation in its

entirety. The parties' failure to file written objections to the Report and Recommendation precludes appellate review of this decision. See Thomas v. Arn, 474 U.S. 140, 155 (1985).

Nieves' motion for approval of the contingent fee agreement is granted. The Social Security Administration is directed to approve a fees award of \$41,878.00 out of the past due Social Security benefits payable to Nieves and her daughter, less the \$7,200.00 already paid to Bowes under the Equal Access to Justice Act, for a net payment of \$34,678.00.

Dated: January 24, 2018
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.